

THORWALD OLSEN.

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LETTER

FROM

THE SECRETARY OF WAR,

WITH INCLOSURES,

*Relative to the passage of a bill for the relief of Commissary-Sergeant Olsen, U. S. Army.*

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OCTOBER 14, 1893.—Referred to the Committee on Military Affairs and ordered to be printed.

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WAR DEPARTMENT,  
*Washington, D. C., October 12, 1893.*

SIR: I have the honor to transmit herewith a letter from the Commissary-General of Subsistence, dated the 9th instant, relative to amending the military record of Commissary Sergeant Thorwald Olsen, U. S. Army, so as to entitle him to receive \$5 per month, continuous service pay, together with copies of the papers referred to in that letter.

The circumstances attending the case are fully set forth in the papers, and as it appears that Congressional action will be necessary to accomplish the purpose desired, I beg to inclose a draft of a bill for the relief of the commissary-sergeant, with a recommendation for favorable legislation.

Very respectfully,

DANIEL S. LAMONT,  
*Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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WAR DEPARTMENT,  
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,  
*Washington, D. C., October 9, 1893.*

SIR: I have the honor to inclose the following copies of papers, viz:

- (1) Letter of Commissary-Sergeant Thorwald Olsen, U. S. Army, dated March 25, 1893.
- (2) Letter of the Commissary-General of Subsistence to the Adjutant-General of the Army, dated August 18, 1893.
- (3) Brief prepared in the office of the Adjutant-General.
- (4) Indorsement of the Adjutant-General, September 12, 1893.
- (5) Indorsement of the Judge-Advocate-General of the Army, dated September 28, 1893.

From these papers I think it will be apparent that, from the force of circumstances, a greivous injury has been done to Commissary-Sergeant Thorwald Olsen, which the Government, upon the facts becoming known, should, in duty bound, hasten to redress. As it would seem that there is no legal way for doing this short of an act of Congress, I respect-

fully inclose a draft of a bill which I request may be forwarded to the Military Committee of the House of Representatives, with your recommendation for its favorable consideration by Congress.

Respectfully, your obedient servant,

JOHN P. HAWKINS,  
*Commissary-General of Subsistence.*

The SECRETARY OF WAR.

CAMP POPLAR RIVER, MONT., *March 25, 1893.*

MY DEAR SIR: No doubt you will be somewhat surprised to receive a letter from one whom you possibly may have forgotten, yet I hope and trust that you will pardon the liberty I have taken in addressing you. In order not to intrude too much upon your valuable time I shall try to state my case as briefly as may be. It would seem that misfortune seldom comes singly. Mine commenced with the failure of the Maverick Bank, in which I lost all my little savings; shortly after, when I was least prepared to meet the expense attending upon a transfer, I was relieved from duty in the Department of Texas, and ordered to St. Francis Barracks, Florida, where I reported on June 5, 1891. I was worn out and in poor health, the climate, and especially the sulphur water there, only made matters worse, yet, knowing my services were necessary, I persistently, in spite of sickness and almost physical exhaustion, continued to perform my duties in a hot, ill-ventilated office, often working late into the night, and to overcome the fever thereby induced, I took large doses of quinine, from which I for a short period became delirious; in this condition I unconsciously got hold of an ice-pick and wounded myself—this happened on the evening of September 5, 1891, after having worked all day and finished my quarterly requisitions.

When I recovered from my wounds I was horror-stricken to learn that I had been ordered to the Government Asylum for the Insane at Washington.

I reported there on September 30, 1891, and was discharged therefrom on December 2, 1891, being sixty-two days under close observation and placed in a position that can not be fully appreciated except by actual trial; in all this time no word, action, or behavior on my part could possibly be construed as indicating the least symptom of insanity in me whatever, and yet I was discharged from the service of the United States for such disability, but with an excellent character, on October 12, 1891. Surely I was the victim of a horrible blunder. My poor distressed family had meanwhile gone back to our little home at San Antonio, Tex., where I joined them after my discharge from the asylum. I felt deeply the unjust stigma cast upon me, and determined to recover therefrom by again entering the service. By permission from proper authority, and after repeated critical medical examinations, I was reenlisted on January 18, 1892, appointed sergeant same date, and was reappointed commissary-sergeant, U. S. Army, on February 25, 1892. Of course I have lost my \$5 per month "continued-service pay."

I reported for duty at this station on March 15, 1892, and since then have performed my duties to the satisfaction of my commanding officer, and, I trust, to the Department.

But here I am, at an insignificant little post, while my family is still in Texas, for I am without the means wherewith to bring them here, and even if I had, I would not be justified in so doing, on account of the instability and almost certain abandonment of the post in the near future.

My object in writing this letter is to ask you please to show it to the general, whom I dare not address personally on this delicate and purely military matter; yet knowing the general's kindness of heart, I fondly hope that he will take pity on me in my unfortunate position and, if possible, aid me in obtaining a transfer of station to one in Texas, so as to enable me to join my family after my long absence.

I feel that any assistance that the general may possibly see fit to extend to me is not unworthily bestowed, and if devotion to duty can repay for such favor, it shall, on my part, be given in good faith and in full measure.

In conclusion, dear sir, I beg to assure you that only my great distress and that of my family could induce me to take this step, and again asking your pardon for the liberty I have taken, and invoking the general's kind consideration,

I remain, sir, very respectfully,

THORWALD OLSEN,  
*Commissary-Sergeant, U. S. A.*

W. D., O. C. G. S., *August 18, 1893.*

SIR: I have the honor to inclose herewith a letter dated March 25, 1893, from Commissary-Sergeant Thorwald Olsen. His original appointment as commissary-sergeant was dated December 15, 1877. His record is an excellent one.

His letter tells a story which is believed to be as true as it is pathetic.

By an unfortunate train of circumstances for which he was not responsible, he was sent as an insane man to the Government Hospital for the Insane on September 30, 1891, and while in that institution was on October 12, 1891, ordered discharged the service on account of insanity. The superintendent of the hospital in reporting his recovery stated that on his admission he had been considerably depressed and only showed evidence of nervous prostration, and recommended his return to the Army. But as, while in detention, he had been discharged the service, he asked, November 10, 1891, before regaining liberty, to be reenlisted and restored as commissary-sergeant. On the true facts becoming known he was enlisted January 18, 1892, appointed sergeant the same day and commissary-sergeant February 25, 1892. But by the course pursued by his superiors he has been deprived, through no fault of his, of \$5 per month continuous-service pay.

The object of this letter is to ask whether the circumstances of his true mental condition, as sworn by the certificate of the superintendent of the Government Hospital for the Insane being taken into account, the order for his discharge can not be revoked, his enlistment of January 18, 1892, canceled, and he be considered as in continuous service under his enlistment of July 16, 1890, so as to enable him to draw \$5 per month continuous service pay, to which he is equitably entitled.

Respectfully, your obedient servant,

JOHN P. HAWKINS,  
*Commissary-General Subsistence.*

THE ADJUTANT-GENERAL OF THE ARMY.

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BRIEF.

Commissary-Sergeant Thorwald Olsen, U. S. A., after serving twenty-four years, fourteen of which as commissary-sergeant, was by S. O. 46, Department of the East, September 18, 1891, directed to be sent to Washington, D. C., for admission to the Government Hospital for the Insane; cause of insanity given as acute mania, caused by physical debility and overexertion during very warm weather.

He was admitted September 30, 1891; discharged from the Army by reason of disability October 12, 1891, and released from the Hospital for the Insane December 2, 1891.

On November 10, 1891, he applied, while still in the hospital, for reenlistment as commissary-sergeant, on which the superintendent of the hospital remarked, that on admission the man was depressed and showed evidence of nervous prostration, but soon began to improve; was given a parole of the grounds, a privilege which he has in nowise abused; his condition then (November 10, 1891) appeared to be approaching the normal. Upon receipt of this communication the discharge and final statements were recalled.

But under date of November 23, 1891, such discharge and final statements were again returned to the superintendent of the hospital, informing him that no change in the status of the man would be made.

The superintendent of the hospital was also requested to inform the man, upon his final release, to apply to this office for permission to enlist again.

The superintendent replied, under date of November 25, 1891, that further retention of the man was unnecessary, and the patient had been instructed to apply for reenlistment.

Under date of December 24, 1891, Thorwald Olsen applied from San Antonio, Tex., for information as to action taken on his application for reenlistment.

Proper answer was made, to which Olsen replied that he had never been instructed to apply to this office in person after release, and could not have done so, as he was sent with an attendant to the train, the duty of such attendant being to satisfy himself that he purchased a ticket for home, and did not remain in the District.

Dr. W. W. Godding, the superintendent, stated that the man labored under a misapprehension in supposing that he could not have gone to the Department if he desired to; the escort was only sent to make sure that the man took the right train.

January 11, 1892, the recruiting officer, Fort Sam Houston, Tex., was informed by telegram that enlistment of Thorwald Olsen for Company H, Twenty-third Infantry, was authorized, etc.

February 25, 1892, Olsen was again appointed commissary-sergeant and ordered for duty to Camp Poplar River, Mont., where he has been on duty since.

The Commissary-General of Subsistence now transmits letter of the commissary-sergeant, in which the latter details the circumstances of his sickness, brought on by physical exhaustion and overwork, and claims that he was the victim of a blunder by which he was confined for sixty-two days in an insane asylum and lost \$5 per month continuous-service pay, etc.

The Commissary-General of Subsistence, believing the story to be true, asks whether (the circumstances of his true mental condition, as shown by the certificate of the superintendent of the insane asylum being taken into consideration) the order for his discharge can not be revoked, his enlistment of January 18, 1892, be canceled, and he be considered as in continuous service under his enlistment of July 16, 1890, thus restoring to him the \$5 per month continuous service.

The admission of this man to the asylum would appear to have been an error, but as the man was so admitted September 30, 1891, discharged from the Army October 12, 1891, and released from the asylum December 2, 1891 (par. 921 Army Regulations), bars the antedating of his enlistment of January 18, 1892, so as to restore to him the continuous-service pay.

No record of a precedent for the action suggested by the Commissary-General of Subsistence can be found.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *September 12, 1893.*

Respectfully referred to the Acting Judge-Advocate-General, requesting his views for the information of the Secretary of War.

This paper to be returned to this office.

By order of the Secretary of War.

R. WILLIAMS,  
*Adjutant-General.*

[Second indorsement.]

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,  
*Washington, D. C., September 28, 1893.*

Respectfully submitted to the Secretary of War.

The Commissary-General of Subsistence invites attention to the case of Commissary-Sergeant Thorwald Olsen, the circumstances of which he states as follows:

"By an unfortunate train of circumstances, for which he was not responsible, he was sent as an insane man to the Government Hospital for the Insane on September 30, 1891, and while in that institution was, on October 12, 1891, ordered discharged the service on account of insanity. The superintendent of the hospital in reporting his recovery stated that on his admission he had been considerably depressed and only showed evidence of nervous prostration, and recommended his return to the Army. But as, while in detention, he had been discharged the service, he asked, November 10, 1891, before regaining liberty, to be reenlisted and restored as commissary-sergeant. On the true facts becoming known he was enlisted January 18, 1892, appointed sergeant the same day and commissary-sergeant February 25, 1892. But by the course pursued by his superiors he has been deprived, through no fault of his, of \$5 per month continuous-service pay."

The Commissary-General of Subsistence asks whether the order for his discharge can not be revoked, his enlistment of January 18, 1892, canceled, and he be considered as in continuous service under his enlistment of July 16, 1890, so as to enable him to draw \$5 per month continuous-service pay.

Although Commissary-Sergeant Olsen appears to have been discharged under a misapprehension of the facts, he being believed to be insane when he was not, the discharge *having been carried into execution can not now legally be revoked.* Its being based on a misapprehension of facts would not invalidate it. There is no way of legally accomplishing what is desired in this case except by an act of Congress.

It is recommended that the Commissary-General be so advised.

G. NORMAN LIEBER,  
*Acting Judge-Advocate-General.*

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A BILL for the the relief of Thorwald Olsen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to revoke the discharge from the military service of Commissary-Sergeant Thorwald Olsen, dated October 12, 1891, and to cancel the enlistment of the said Olsen, dated January 18, 1892; and the said Olsen shall be considered now to be, and to have been, continuously in the service under his enlistment of July 16, 1890, as if said discharge of October 12, 1891, and enlistment of January 18, 1892, had never taken place; and the accounting officers of the Treasury are hereby authorized and directed to adjust and pay the accounts for pay and allowances of the said Olsen in accordance with the object and intent of this act.